

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYAN D. WILKINS,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,
and LEONARD SHERER,

Defendants.

8:22CV239

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Joint Motion to Modify Progression Order ([Filing No. 87](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Joint Motion to Modify Progression Order ([Filing No. 87](#)) is granted, and the case progression order is amended as follows:

- 1) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are extended as follows:

For the plaintiff:	January 8, 2024
For the defendants:	February 26, 2024
Plaintiff's rebuttal:	March 11, 2024

- 2) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **March 13, 2024**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is remains **March 15, 2024**.
- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is extended to **April 1, 2024**.
- 5) The deadline for filing motions to dismiss and motions for summary judgment remains **April 19, 2024**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 1st day of December, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge